

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

DELANOYE ROBERTSON, an individual,
and DIAMOND CREST, a California Limited
Liability Company,

Plaintiffs,

v.

BANK OF AMERICA NA, and BANK OF
AMERICA,

Defendants.

**ORDER AND REPORT AND
RECOMMENDATION**

Case No. 2:09-cv-00622-TC-BCW

Judge Brooke C. Wells

On May 4, 2011, the Court entered an order to show cause directing Plaintiffs to “show cause why the above captioned case should not be dismissed.”¹ Plaintiffs have not been in contact with Defendants for over nine months, so the Court set May 31, 2011 as the deadline for Plaintiffs to respond regarding their intentions to proceed with this case. As of the date of this order Plaintiffs have failed to file any response with the Court.

Therefore, the Court HEREBY RECOMMENDS that this case be dismissed pursuant to the Court’s order to show cause and any remaining motions be deemed MOOT.

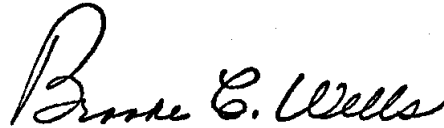
Copies of the foregoing report and recommendation are being mailed to all parties who are hereby notified of their right to object. Any objection must be filed within 14 days after being served with a copy.² Failure to object may constitute a waiver of objections upon subsequent review.

¹Order p. 1.

²See Fed. R. Civ. P. 72(b)(2).

DATED this 2nd day of June, 2011.

BY THE COURT:

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large, looping initial "B".

BROOKE C. WELLS

United States Magistrate Judge